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Filing date: **08/10/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181755
Party	Defendant BeauxKat Enterprises LLC
Correspondence Address	Justin D Park Romero Park & Wiggins 155 - 108th Avenue NE, Suite 202 Bellevue, WA 98004 UNITED STATES jpark@rpwfir.com
Submission	Defendant's Notice of Reliance
Filer's Name	Justin D. Park
Filer's e-mail	jpark@rpwfir.com
Signature	/Justin D. Park/
Date	08/10/2009
Attachments	A_4th_N_Reliance_08-10-2009.pdf (21 pages)(2194487 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FRANCISCAN VINEYARDS)	
)	Mark: BLACK RAVEN BREWING COMPANY
Opposer)	Opposition No.: 91181755
v.)	Serial No.: 77223446
)	
BEAUXKAT ENTERPRISES LLC)	
)	
Applicant)	

APPLICANT'S FOURTH NOTICE OF RELIANCE

TO: Franciscan Vineyards

AND TO: Linda Kurth, attorney for Opposer.

Please take notice that Applicant, Beauxkat Enterprises, LLC ("Applicant"), pursuant to 37 CFR §2.122(e) is hereby noticing its reliance on certain representative printed publications from the prior three years, namely excerpts from magazines that are available to the general public in libraries and which are in general circulation among members of the public, including without limitation the public which is relevant to the issues in this proceeding.

The excerpts are from certain magazines which are each cited in the Opposer's Second Notice of Reliance as examples of magazines where beer and wine are advertised in the same publication. The excerpts of said magazines presented here are examples of other products that are advertised in the same magazines.

The excerpts attached are as follows:

Wine Spectator, March 31, 2008, pages: cover, 3-4 (reproduced over three pages in copy), 39, 40, 61, and rear cover.

Bon Appetit, November 2008, pages: cover, 3-4, 47, 105, and rear cover.

Food & Wine, May 2009, pages: cover, 8-9, 24, 47, and 55.

These excerpts are relevant in that they demonstrate that the usage of this trade channel or marketing method is not exclusive to beer, wine or any other product.

DATED this 10th day of August, 2009.

ROMERO PARK & WIGGINS P.S.

/Justin D. Park/

Justin D. Park, WSBA #28340
155 – 108th Avenue NE, Suite 202
Bellevue, WA 98004
(425) 450-5000 telephone
(425) 450-0728 facsimile
jpark@rpwfirm.com
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Applicant's Fourth Notice of Reliance was forwarded by first class, postage pre-paid mail by depositing the same with the U.S. Postal Service on this 10th day of August, 2009 to the Opposer at the following address:

Stephen L. Baker
Linda Kurth
Baker & Rannells
575 Route 28, Suite 102
Raritan, NJ 08869

A copy of the same was sent via e-mail on this 10th day of August, 2009 to the Opposer at the following e-mail addresses:

officeactions@br-tmlaw.com
k.hnasko@br-tmlaw.com
n.friedman@br-tmlaw.com
l.kurth@br-tmlaw.com
s.baker@br-tmlaw.com

ROMERO PARK & WIGGINS P.S.

/Diana Sanders/
Diana Sanders, Legal Assistant
155 – 108th Avenue NE, Suite 202
Bellevue, WA 98004
(425) 450-5000 telephone
(425) 450-0728 facsimile
dsanders@rpwfir.com

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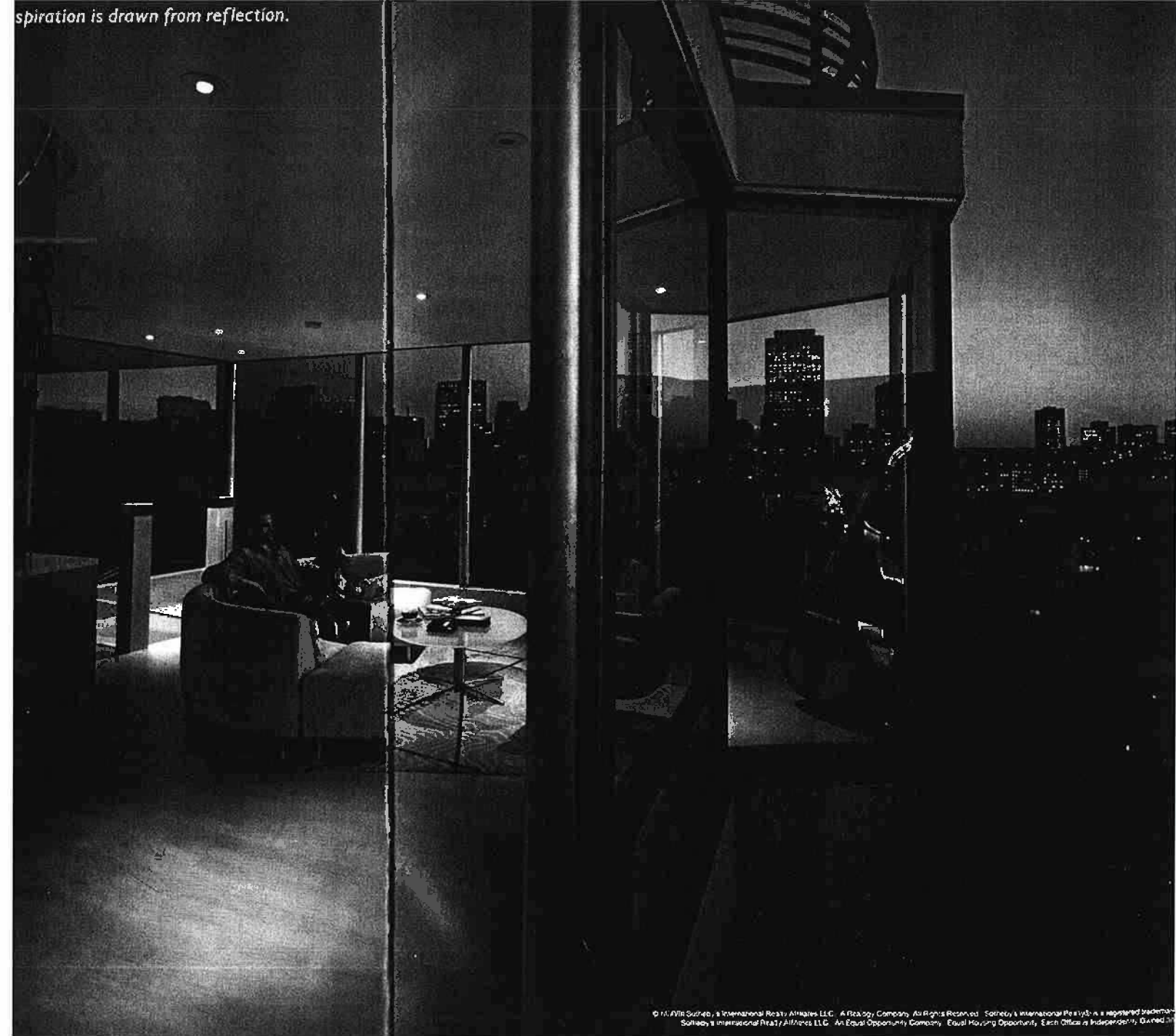
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spiration is drawn from reflection.




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is Issue's Buying Guide


Château Clerc Milon
Pauillac 2005 \$57
fabulous aromas of currant,
d pencil and mineral. Full-
y, with supersoft tannins that
he palate.




Château Léoville Las
Cases St-Julien
2005 \$315
edible red, with aromas
ors of crushed blackberry,
licorice and lead pencil.
s tannins.




ster Lehmann Shiraz
rossa 2005 \$15
mouthful of cherry,
and earthy spice flavors,
impressively on the
inish.



sert Wind Ruah Desert
nd Vineyard Wahluke
pe 2005 \$15
with balanced berry and
rs, hints of dark choco-
ge. Cabernet Sauvi-
ernet Franc, Merlot,



Jaboulet Aîné Côtes
thône Parallèle 45
6 \$12
ie red, with fresh plum,
grilled herb notes, all
in iron-tinged finish.



ee the Buying Guide (page 131).

y good; 80-84, good; 75-79, mediocre; 50-74, not recommended.

family has been in investment business the better part of the century.

grandfather, Henri de Capelle, was an early partner at Paine, Webber, Dixon & Curtis. My grandfather, Rudolph Eichler, founded Bateman Eichler & Co. in 1929. My father, Peter Eichler Sr., became chief executive of Bateman Eichler in the 1970s.

worked on the floor of NYSE, developed investment products for Hutton and launched money management division for Bear Stearns. I say that I have worked in this business my whole life is not an overstatement. My forbears taught me that to be a successful investor one must be an independent thinker. At Aletheia, we have always done our research.

Another important family trait I have incorporated is common sense in terms of valuation, risk and return expectations. I believe common sense guides the amount of effort needed to achieve superior results. It takes an incredible amount of time and effort to add value in today's challenging financial markets.

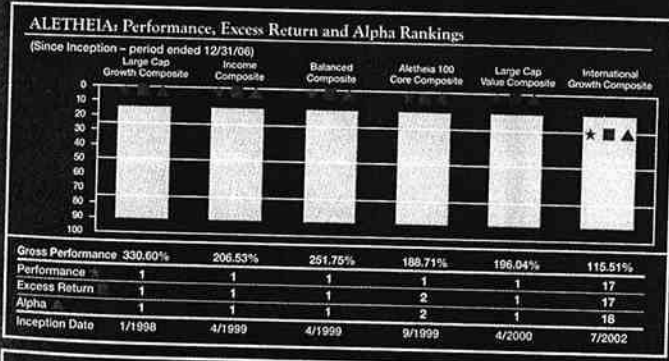
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Chief Executive Officer



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Aletheia Int'l Growth	27.10%	24.60%	17.72%	7.73%	45.61%	163.36%**
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The young woman at the holiday party one that's asked all the time. How do wines age? Not just a particular wine—this being a subject that gives mystery, one that seems to require some sort of training to comprehend, with only properly fessionals knowing the answer for sure.

I offered her this: I don't know. I can guess based on my experience. The surest guarantee of wine quality is the producer's name. By extension, if you want the best conjecture as to how well a wine might age, you also start with who made it.

No sooner had I finished that sentence than I realized how little help that would be for anyone trying to navigate through the thousands of wines from the world's countless appellations.

In an attempt to clarify my point, I added: I don't recommend aging wines, because most are made to drink young, when they're the closest to the vine. But if you want to find out, you need to educate yourself, and the best way is to taste older wines, which will give you the answer you seek.

I only wish she could have shared some of my experiences. Every year I taste hundreds of older wines, in both formal and casual settings, and there are always some amazing bottles. But most wines with time, and most aged wines are far less interesting when young.

Last year I tasted California Cabernets from 1997, and many were inspiring. But the biggest 1977 Joseph Phelps Insignia, a Napa Valley tri that tasted like a dead ringer for the 1970 Haud down to the cedary cigar box and dried currant.

Did anyone at Phelps expect this wine to age long? I doubt it. The recipe for the '77—50 percent Sauvignon, 30 percent Merlot and 20 percent

WineSpectator.com In recent blog posts, Jay back at some homebrew create, chats with Bill Harlan about his polarizing I talks baseball and wine with sports analyst Tim Mi scoop at www.winespectator.com/033108.

CEES GORHAM

	SCORE	PRICE
Pomerol 2005 èpe, raw steak, wild berry. annins, yet refined.	97	\$189
2005 rt and cooked apple. d an intense tropical fruit ous.	97	\$57
ÉRY Margaux 2005 id chewy tannins. Black- ocolate. Long, with sweet	97	\$100
RION	97	\$663
ry on the nose. Full- i. Builds, with a mineral		
5 rice, coffee, toasty oak. ak, ripe fruit. Voluptuous.	97	\$443
gaux 2005 rant and Indian spices annins. Seamless texture.	97	\$100
rol 2005 nose, with Indian spices, bodied, with sweet fruit	97	\$200
2005 berry, currant aromas. s. Long finish of toasty	96	\$295
05 dark chocolate aromas. ith velvety tannins,	96	\$163
-Julien 2005 e, flowers. Full-bodied, y tannins. Dark choco- ghout.	96	\$130
-Léognan 2005 rry, fresh tobacco, nd full-bodied, with	96	\$196
illion 2005 ocolate and licorice fol- palate of ripe tannins.	96	\$200
ic 2005 , black licorice, tar, verful, with ultrafine	96	\$100
essac-Léognan	96	\$83
nd piecrust. Complex clove honey, red		
t.-Emillon 2005 fruit, wild mushroom, ety, with intense	96	\$250

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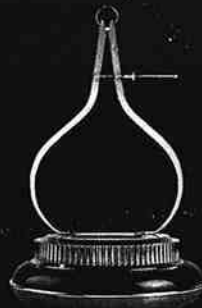
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GL 320 BlueTEC shown in optional Iridium Silver metallic paint. 2008 ML 320 BlueTEC shown in optional Alpine Rain metallic paint. Additional optional

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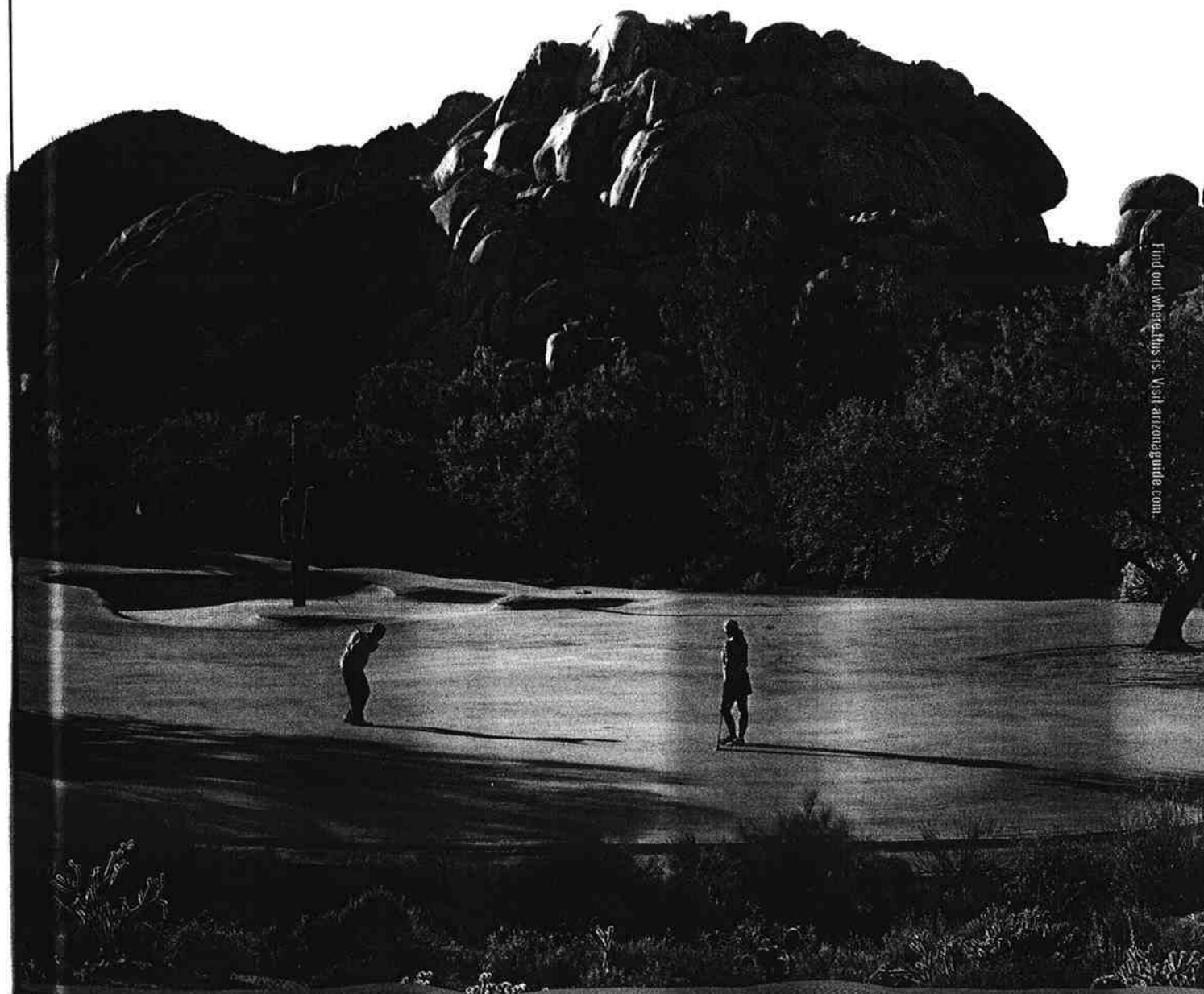
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MAY 2009

FOOD & WINE

MAY 2009

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PAGE 75

*Grilled steak
tacos with
avocado salsa—
ideal with a
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RECIPE, P.46

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SOME HORTICULTURISTS PREFER
TO WORK THEIR CRAFT INDOORS.

PHOTOGRAPH: DEAN P. ANDREWS (CASA DE SIERRA NEVADA)

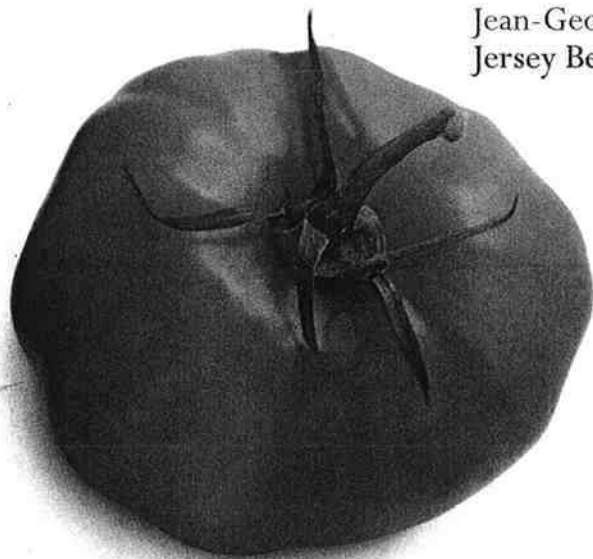
You'd think a 3-foot ficus would be safe. And it was, until we got our new puppy. Meet Pergo. The kids named him after our floor. Which is about the only thing he hasn't been able to destroy. No matter how messy things get around here, when you look at the floor, you won't see a stain. And it resists scratching too. Yeah, Pergo's one special dog. Luckily, we've got a floor to match. For a sample and all you need to know, pergo.com.



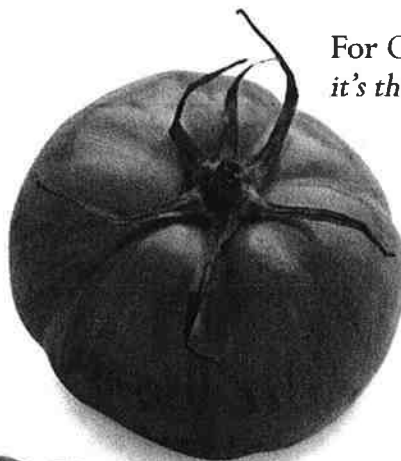
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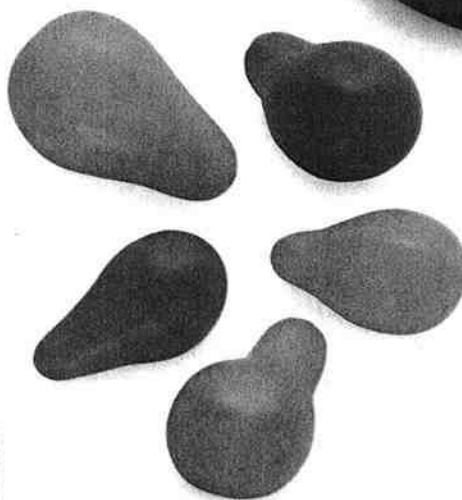
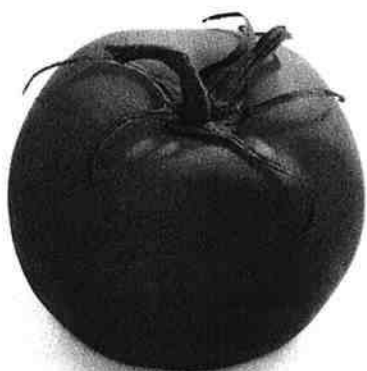
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